Legislation for judicial accountability

*275. SHRI KARNENDU BHATTACHARJEE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are considering to enforce a legislation on judicial accountability as per the resolution passed by the Apex Court;

(b) whether Government are aware of the fact that there is erosion of people's trust in the judiciary;

(c) if so, whether any steps are being considered to stop the erosion of people's trust; and

(d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) (a) to (d) Attention of the Government has been drawn, from time to time, to the question of enforcing judicial accountability.

2. The issue was discussed at the Conference of Chief Justices held in 1990 and on the basis of the broad consensus emerging out of the deliberations, the Chief Justice of India summed up the position as follows:

"The Chief Justice of the High Court has the competence to receive complaints against the conduct of the Judges of his court and when he receives any, he would look into it for finding out if it deserves to be closely looked into. Where he is satisfied that the matter requires to be examined, he shall have facts ascertained in such manner as he considers appropriate keeping the nature of allegations in view and if he is of the opinion that the matter is such that it should be reported to the Chief Justice of India, he shall do so.

The Chief Justice of India shall act in a similar manner in regard to complaints relating to conduct of Judges of the Supreme Court and in regard to conduct of Chief Justices of the High Courts. On the basis of the facts ascertained, the Chief Justice of the High Court or the Supreme Court, as the case may be, shall take such appropriate action as may be considered proper, keeping the interests of the judiciary as the paramount consideration."

3. The complaints received against the Judges of the Supreme Court and the High Courts are dealt with in the manner indicated above. The Judges Inquiry Act, 1968 specifies the procedure to deal with misconduct/

misdemeanour of Judges of the Supreme Court/High Courts, but Government has no constitutional competence to order enquiry against them.

4. There is no proposal to bring any legislation on judicial accountability.

New schools and school buildings

*276. SHRIMATI SUKHBUNS KAUR:
SHRI RAJKUMAR DHOOT:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the number of new schools, school buildings and class-rooms constructed and the number of school children provided with free books this year with the money collected as Education Cess of 2 per cent on all Central Taxes, State-wise, and the expenditure incurred thereon;

(b) the number of new school teachers added to the teachers' strength in each State with the help of these funds, and the expenditure involved thereon; and

(c) the number of children still to be provided with schooling facilities in each State?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH) (a) and (b) Against estimated collection of Rs. 5010 crores as Education Cess in the year 2004-05, the total Plan Allocation during this year for Elementary Education is Rs. 8982 Crores (including Rs. 1232 crores allocated to Ministry of Finance for providing Additional Central Assistance to States to meet cooking cost under the Mid-Day Meal Scheme).

Plan allocations under various schemes are not sub-divided according to source (i.e. Education Cess and Gross Budgetary Support), nor are sanctions accorded separately. They are accorded only against over-all allocation of the Scheme.

State-wise details of sanctions accorded under various interventions mentioned in the Question, and the amounts released for them in 2004-05 are given in the Anexure.

(c) According to information furnished by States, about 81.4 lakh children were out-of-school as in September, 2004. State-wise break-up of out-of-school children is given in the Statement.